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■ IN THIS ISSUE

Crime & Punishment

- Who's the Nation's Top Killer? (Clue: He Wants to be President)
- Here It Is In The Constitution: The Right to a Speedy Trial and a Sleeping Lawyer
- There are Lies, Damned Lies, and the FBI's Uniform Crime Reports
- How San Francisco, Not NYC, is Best at Slowing Crime
- The Myths of "Crime Wars"

Our Little Secrets

- The Truth At Last: Scott Ate Oates
- Framing Wen Ho Lee
- US Banks: Worse Than The Swiss
- Marc Cooper: It Sounds Like He Wants Mumia Dead

Bush, Death & Texas

In early 1992 candidate Bill Clinton rushed from New Hampshire to Arkansas to oversee the execution of Ricky Ray Rector, a brain-damaged black man convicted of murder. Clinton used the execution of Rector to distract attention from the storm over Gennifer Flowers and his draft record and to distance himself from liberal candidates, particularly the threat of a possible last minute challenge by Mario Cuomo, who at that time opposed the death penalty. The politics of death survive every election cycle. Now it is George W. Bush's turn to sing the Executioner's Song.

On January 21, the state of Texas is slated to send Larry Robison, 42, to die by lethal injection in the death chamber at Huntsville State Prison. Robison is an intermittently insane person who was convicted for killing five people in 1982. Robison's appeals have been exhausted and his fate now rests in the hands of the parole board and George W. Bush. Even though the Texas legislature recently passed a law prohibiting the execution of mentally ill prisoners, the law exempts death sentences handed down before the measure was enacted. And, at least as far as the Bush administration is concerned, it doesn't apply to inmates whose mental illness is drug-related. "If your mental disease is caused by drugs, then it doesn't count", says Heather Browne, spokesperson for Texas Attorney General John Cornyn.

We have talked to Larry Robison's mother, Lois, about her son's case and the assembly-line way Texas carries out the death penalty. Robison, 62, is a former third grade teacher, who has waged a tireless international campaign on behalf of her son and other mentally ill people on death row. She tells CounterPunch Larry was diagnosed as a paranoid schizophrenic in 1978 by doctors at the Hughley Hospital in Fort Worth. Robison was dismissed without treatment when the hospital learned that he lacked insurance. Robison's parents then took him to the John Peter Smith County Hospital. He was kept under observation for 30 days and discharged because they "needed the bed". Doctors told Robison's parents that he was "not violent". Lois Robison objected to the release, telling doctors that Larry had "no job, no money, no and no place to stay". The hospital staff told Lois not to worry. "We do it every day", the doctor told her. "You would be surprised how many schizophrenics are on the streets. Most cope fairly well."

Next the Robisons turned to the Veteran's Hospital in Waco, where Larry was kept for another 30 days and then discharged. The staff told the Robisons that their son was in bad shape and that his condition could be expected to deteriorate, but because he hadn't exhibited any violent tendencies they couldn't hold him. "The VA doctors forgot to have Larry sign a release before he left", Lois tells us. "So we were unable to get medication for him at the Fort Worth Mental Health clinic. Because of the Privacy Act, none of the doctors or hospitals informed us that he needed his medication every day in order to cope. No one would tell us what to do to help Larry." During a terrible paranoid fit on August 10, 1982, Robison decapitated and sexually mutilated his roommate, Rickey Lee Bryant. He then went to an adjacent home and killed Georgia Ann Reed, her son, Scott, and her mother Earline Barker. When another

(**Texas Death,** *continued on page 5*)

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Our Little Secrets

FBI Lies

The FBI told Wen Ho Lee he'd failed a polygraph when in fact the scientist suspected of passing A-secrets to the Chinese had passed with flying colors. The hope was obviously that Wen would break down and confess all. There's virtually no limit to this kind of prosecutorial lying. Not so long ago the director of a federal forensics lab on the West Coast told us that from time to time detectives would come by and ask him to give them blank forensic report forms which they proposed to use to intimidate suspects.

The detectives' plan was to fill out the form with data appropriate to the offense possibly committed by the individual under suspicion. For example: "Fingerprints on victim's belt buckle match those of suspect..." Then the suspect would have the document waved under his nose and be urged to confess. To his credit, our acquaintance, the director of the lab, refused to countenance this practice.

We hear from Wen Ho Lee's support group in Los Alamos that the suspect's hobby, fishing, provoked some bizarre spectacles. Wen would go off with his rod to some New Mexican stream, followed by a federal surveillance team eager to nab him in some suspicious contact. Behind every shrub or bush would bulge some G-man with a pair of binoculars, with innumerable other government snoops joining in the chase.

At this stage in the game it seems hard to imagine any jury convicting Wen Ho Lee. Someone should sue Jeff Gerth of the New York Times for reckless endangerment of taxpayers' money. It was his incomprehensible story in the Times that started the whole fruitless, endlessly costly Whitewater probe. And he was the conduit for the DOE's campaign against Lee.

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"La Grande Illusion"?

Bill Clinton recently appeared on Roger Ebert's movie show, where announced that his favorite film was Casablanca. "Hillary and I did a moot court case about that film", Clinton explained. Only last year Clinton claimed his favorite movie was High Noon, perhaps reflecting duels with HRC at the time. When Ebert asked the president to name a recent movie he liked, Clinton praised Hurricane, the bio of Reuben "Hurricane" Carter, the black boxer who was wrongly convicted of murder and served 16 years in prison before finally being released. It was an odd choice to say the least. No other president since Jefferson Davis has presided over the incarceration of so many black men.

Eating Captain Oates

Generations of British schoolboys have been conditioned to seek inspiration in the last words of Captain Oates, a member of Scott's doomed expedition which perished in 1912 after reaching the South Pole only to find Amundsen's tent already there. As the party staggered back to base after losing the race, their supplies running out, Oates famously left the tent on March 17 and vanished into the blizzard, saying: "I am just going outside. I may be some time." The parable for British youth has always been Oates's self-sacrifice, fearing that he was slowing up his three companions as they battled to survive. That's what Scott recorded in his posthumously published diaries anyway. But CounterPunch can reveal that a secret archive held under lock and key by the Royal Geographic Society in London (deposited by Scott's widow, Kathleen) tells a different story. Whether or not Oates left the tent in the manner described, that was not the last his companions saw of him. Once the gallant Captain had succumbed, they ate him, though even this ingestion of protein did not prevent them from succumbing ten days after Oates, only eleven miles from safety.

Forget the Swiss

What about the US banks?

Late last year we noted here Norman Finkelstein's insights about the claims against Swiss banks re deposits of victims of the holocaust. Norman has now thoroughly read the Volcker report on the affair, delivered late last year. While substantively exculpating the Swiss banks it also suggests that probably as much or more in transferable Jewish assets from Nazi-occupied Europe was sent to the United States during the war as went to Switzerland.

So where is the hue and cry after US bankers? It turns out that the American Jewish Committee, in search of dormant Jewish accounts, did do a very superficial and rudimentary audit of only New York banks in the 1950s, and on the basis of this audit the AJC proposed that $6 million in heirless accounts was owing to Jewish organizations entitled to take custody of the money. In the end the US government, to whose custody the dormant accounts had been remitted coughed up $500,000. As one honorable individual involved in this audit, Seymour J. Rubin put it to the House Banking Committee in 1997, this "mere $500,000 stood in contrast to the $32 million acknowledged by the Swiss banks even prior to the Volcker inquiry". In other words, the US record is much worse than that of the Swiss. No intimation of this fact has appeared in press accounts of the Volcker Commission's report or indeed of the whole Swiss bank controversy.

To carry this instructive parable about the perils of moral superiority a stage further: the class action settlement for $1.25 billion which was forced on the Swiss before the Volcker Commission published its findings includes several categories which are eligible for the compensation money. First, those who held accounts in the Swiss banks. There is no reason why this ruling should not apply to dormant accounts in

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US banks. Two, the settlement refers to what it calls "the refugee class" which consists of those fleeing Nazi persecution who were denied entry into Switzerland. By the same token Jews fleeing Nazi Germany were denied entry into the US. Why one moral posture for the Swiss and another this side of the Atlantic?

Finally, the last main class consists of those who performed any slave labor ultimately of benefit to the Swiss. During the hearings on the Hill many senators and congressmen made splendid speeches defending the terms of the Swiss settlement, to the effect that there is no statute of limitations on justice. Stuart Eizenstat — the chief Clinton administration negotiator — called on the Swiss to pony up yet another $4.6 billion with these words: "It will be an important litmus test of this generation's willingness to face the past and to rectify the wrongs of the past."

But here's another serious double standard. These worthy sentiments are nowhere to be heard — unless they are being actively ridiculed — when it comes demands for compensation to African Americans for slavery.

COOPER TO MUMIA: *GO AWAY*

Now harken unto Marc Cooper, Nation writer, KPFK and Radio Nation broadcaster. He doesn't like efforts to recover the original mandate of Pacifica and he doesn't like Mumia Abu Jamal. Here's what Cooper recently wrote in New York Press. (He probably reckoned it would land him in too much trouble with Nation readers.)"I make no New Year's resolution. Instead, I have a simple plea: Oh Lord, please make 2000 a year free of Mumia. That's right. That's no typo. I said free of Mumia. Not Free Mumia. I've had it. If I go to one more lefty event and see one more Free Mumia poster, I might just have to switch sides on this one. What collective affliction has overcome my fellow pinkos? You haven't had enough defeats and embarrassments these past two decades? Now you want to take the deathly serious issue of capital punishment and tie it to some flaky cult-member like Mumia Abu-Jamal?" Many paragraphs of contemptuous vilification of Mumia and his supporters then followed.

Here's the retort of our friend Dave Marsh, publisher of the excellent Rock and Rap Confidential:

Now this from Radio Nation's Marc Cooper: "Oh Lord, please make 2000 a year free of Mumia. That's right. That's no typo."

"Cooper and the others who want Mumia to go away fail to appreciate that what this is really about at a very fundamental level is whose life is important in America. If Mumia had killed anyone BUT a cop, he'd have had his retrial, and he'd probably be on the street (because that thin reed ain't so thin; I'll take Lenny Weinglass's interpretation of the evidence over Cooper et al any day). If he'd killed anyone BUT a cop, you wouldn't have 400 cops picketing Rage Against the machine shows in Massachusetts. Etc. Mumia is probably going to be the Julius and Ethel Rosenberg of this decade, and the fact that his politics and hairstyle are being used by folks who want him to "go away' is as disgusting as the fact that the Rosenbergs' politics and ethnicity were used for the same reason in their case. It's especially galling for Cooper to blame Mumia for the fact that other capital prisoners have no representation. it would be a lot more reasonable to say that other death row prisoners have no representation because people like Marc Cooper waste their time attacking Mumia Abu-Jamal rather than attacking the people who run America's nightmare capital punishment industry."

TONGUE TRIPPER

Nike pays Michael Jordan more than $20 million a year to promote its shoes and apparel. But so far Jordan has largely avoided being compromised by the company's dismal labor practices. In 1998, after his former coach Dean Smith publicly denounced Nike, Jordan vowed to visit Vietnam and Indonesia to observe working conditions at Nike plants in those countries. Even though he has retired from pro basketball, he still hasn't made that journey.

A few months ago Jordan appeared on Larry King Live, where he tripped over himself trying to answer King's softball questions, invoking Nike's love of the US Constitution, among other absurdities: KING: Are you involved in that controversy over how the Nike shoes were made, whether these people were fairly paid and the like? Have you looked into that? JORDAN: I am very much involved in that, and I plan a trip this summer to visit Asia and certainly continue on that whole probe about that issue. But I think when it was an awareness of the, you know, America's interests, Phil and I did a great thing about stepping up and taking some motivation and those suggestions, you know, from the public as well as, you know, the government to make changes and to make awareness of making some changes in Asia, in other places that were of concern. And to me, that was a relief that, you know, at least, you know, it's aroused some interest that some changes are going to be made. But sure, I still want to firsthand make a visit and see it for myself. KING: Would you have left had they not made changes? JORDAN: I think that would have been a decision that I would have had to make, because I have always took — taken pride in that — the business that I'm associated with has operated in the good faith of, you know, the Constitution and certainly of the government and the people that have supported us.

We should note that as a rule Jordan is extremely articulate.

SETTING JESSE STRAIGHT

We still like Jesse Ventura's style and applaud his position on the National Endowment for the Arts, namely that it should be abolished. Government funding of the arts inevitably yields bad art. And, as our friend Steve Kelly, a political organizer and artist, observes: "When you take a federal grant, you're asking to be censored." Ventura says in the second installment of his interview with Playboy, "If you're going to ask the government to subsidize artists, then you might as well subsidize stock car racers, too." This comment illustrates that the governor still has much to learn about the political economy of the US government. Stockcar racing is already heavily backed by federal dollars. Indeed, its three biggest sponsors: big oil, big sugar and big tobacco are among the top recipients of federal largesse.

THE FUTURE PAST

Let's pause a moment before we head for the exits.

We're talking about the spectacular, (**OLS** *continued on page 6*)

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Do The Numbers Mean Anything?

Those Hollow Victories Over Crime

From Mayor Giuliani of New York to Vice President Al Gore there won't be an incumbent politician this year resisting the opportunity to trumpet their victories in battling crime. For the first six months of 1999, FBI figures showed a 10 percent decline in "serious crime", meaning violent and property crime. Murder down by 13 percent, robbery off 10 percent, forcible rape down 8 percent – to start with the White House and Al Gore, it would require near-inhuman forbearance for the administration that has increased federal budgets for crime control from just over $1 billion to $4.5 billion over the past five years to eschew a boast over this "accomplishment".

But like almost all official statistics on crime since record keeping began, these FBI numbers are in many respects fraudulent. "All discussion about crime in this country ", William Chambliss, Professor of Sociology at George Washington University and author of the excellent new book Power Politics and Crime tells us, "relies on the annual Uniform Crime Reports complied and issued by the FBI and based on reports from local police departments. The UCR is consistent in only one thing: its tendency to distort and mislead." This is hardly surprising, given that the Bureau and the local forces supplying the figures have an obvious motive, not to mention opportunity, to adjust figures to reflect their institutional desires. Police can change crime rates, up or down, as they see fit.

Thus, when Richard Nixon wanted to demonstrate that his War on Crime was effective in Washington, the DC police simply began valuing most stolen property at $49, just below the threshold that would have required their reporting as "serious crime". Washington's serious crime rate plummeted accordingly. Chambliss cites a more recent example: "when the Philadelphia police sex crimes unit was under pressure to show results, they began classifying reported sex crimes in a category called 'investigation of person', a reporting category separate from incidents reported as crimes. In other words they mothballed them." Philadelphians celebrated the heartening fall in sex crimes in their city, as proved by statistics, and women walked the streets unafraid. Police forces everywhere understand this technique well. Burglary can become trespass; aggravated assault becomes simple assault.

The word "homicide", as Chambliss points out, offers especially rich opportunities for massaging data. "Most people associate homicide with murder. But in the official figures they lump in all sorts of deaths into that category, or remove them as they choose. To add to the confusion, the FBI refers to the 'murder rate going down by 13 percent' when they are talking about homicide, which does not necessarily mean murder."

Official figures for the early years of Mayor Rudy Giuliani's reign furnish instructive commentary on Chambliss' thesis. In 1990, the year of Giuliani's accession, the New York homicide rate stood at just over 30 per 100,000 people. The accidental death rate stood at 16 per 100,000. By 1994, when Giuliani was already trumpeting the success of his crime-fighting efforts, the homicide rate had shrunk to 16 per 100,000 while accidental deaths had climbed to 24 per 100,000. "In New York, Giuliani has taken credit for a dramatic fall in the crime rate, including homicide, while he has been in office. In fact victim surveys, a more reliable method of measuring crime, showed no difference in the crime rate trends before and after the mayor's campaign. It's not always easy to get at the underlying figures, but I am positive they have also been shifting a lot of deaths from the 'non-negligent homicide' list, such as deliberately sideswiping someone you don't like with your car, to the "negligent" category, meaning you run someone over by accident, which is not included in the figures. Together with the suddenly ballooning suicide figures, that would account for the so-called 'dramatic decline' in homicide rates."

The task of concocting and manipulating the figures is rendered easier by the fact that the cause of death — suicide, negligent homicide, etc — as eventually enshrined in the holy writ of the UCR, reflects the verdict of the cop on the spot. The FBI's instructions to police forces on preparing their crime reports explicitly state "...the findings of coroner, court, jury or prosecutor do not unfound offenses or attempts which your (police) investigations establish to be legitimate."

The advertised decline in the New York figures has been mirrored by similar reports from other major cities across the country, a trend Chambliss ascribes to "police chiefs and mayors getting together at conferences and passing the word on new techniques in lowering the (reported) crime rate." (Our friend the writer Edward J. Epstein can attest to the NYPD's relentless pursuit of lower crime figures. Last August, burglars forced open a window and broke into his upper east side apartment, stealing a $5,000 computer. The two patrolmen who answered Ed's call refused to accept that his property had been stolen, initially threatening him with arrest for filing a false report of a crime. Only with difficulty was he able to persuade their superiors to accept his complaint.) There is evidence however that the law enforcement agencies, having successfully "lowered" the crime rate, may have decided it is time to jack it up again. In their most recent report, the NYPD revealed that homicides have "surged" by 8 percent in 1999.

"Most people associate homicide with murder. But in the official figures they lump in all sorts of deaths into that category, or remove them as they choose."

But while crime rates — on paper — are continuing to drop across the country, these rates are dropping regardless of whether a tough or a lenient approach to crime is being applied. Contrast San Francisco and New York. Since 1995, violent crime has dropped 33 percent in San Francisco and 26 percent in New York. How did they do that? Great law enforcement? Terrific timing? Perfect policy applica-

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tion? Hardly. San Francisco has established a new and less-aggressive crime strategy — which heavily impacts crime statistics by reducing the number of arrests, prosecutions and resultant incarceration rates. Dan Macallair of the progressive Center on Juvenile and Criminal Justice believes that San Francisco's greater reduction in crime as against New York could be due to the city's alternative approach which includes community involvement and diversion programs. We can thank, at least in part, freshly re-elected District Attorney Terrence "Kayo" Hallinan for this. After a battering from the San Francisco Chronicle for failing to throw enough people in prison, Hallinan, campaigning strongly on the virtues of his alternative, softer approach, just won a squeaker against a get-tough prosecutor. But here is the caveat emptor — Macallair cautions that no one can say for sure what is causing the decline in numbers.

Meanwhile, New York with its heralded zero-tolerance approach to crime—even low level, "broken windows" stuff such as jaywalking, vagrancy and public intoxication—finds Mayor Giuliani's tough stand applauded. Talk of Giuliani's wise move to increase his police force by 7,000 officers to enforce his get-tough policies is all the news there. Wise move? Smart guy? CounterPunch sees it this way and it's simple: there is no correlation between public policy, policing or politicians and the drop in crime statistics. There is just no one — anywhere — that has been able to prove to anyone, certainly not to CounterPunch that there is a correlation here.

Until a cause for the drop in crime is established, no policy can be praised. And let's face it, while the experts are at it, how about trying to take a realistic look at crime causation. Now that's a novel idea, at least novel by today's standards. Back in the 60s and 70s, crime causation was all the rage. All-out efforts to understand crime were undertaken, with the usual suspects being poverty, single-parent homes, mental illness. But one area which had long drawn our interest is unemployment. Several interesting studies found that regardless of any other single factor, the only correlate which consistently worked across the board was the unemployment rate. When unemployment is down, crime is down and of course the inverse holds here as well. So what about today? Nationally, we have a low unemployment rate (with all the usual, correct caveats that that the real unemployment rate is historically about twice the offical rate promulgated by the Bureau of Labor Statistics). True. We also have a statistically low crime rate. True. Anything else to look at? We could take a look at harsh and punitive measures currently in force and the fantastically high lock-up rate of the poor. We could toss in the ongoing war on crime.

But then, just to thicken the stew we could pay attention to a recent study by the conservative Milton S. Eisenhower Foundation which was created by President Lyndon Johnson in 1968 who charged it with investigating causes of violence. The Foundation finds that Americans are living in a far more violent society than thirty years ago when the Foundation put out their first study. So which is it? More violent or less violent, more crime or less crime? No way to know and no foreseeable way to tell what the future will hold. Here at CounterPunch we're betting on San Francisco over New York to come out slightly better. Down the road New York will pay a price that San Francisco with its community-based policies will not, namely the social, financial and communal cost of bringing a staggering amount of former prisoners back to their streets once the sentences are up. While no one can fully predict what this means, we do know that Giuliani will be long gone. In his wake, the poorest communities will pay the heaviest price. These are the communities - in the war zone - that will be experiencing the greatest degradation in living conditions. The alleged lower crime rates now being touted allow politicians to shove aside what has always been so desperately needed: education, health care, housing and jobs. CP

(**Texas Death** continued from page 1)

man, Bruce Gardner, arrived at Reed's house, Robison killed him as well. Robison later told psychiatrists that he remembers watching "someone else" do the murders, as if in a movie. He said that he had been hearing the voice of God for weeks , telling him he had to kill 2,000 people. He remembered seeing a Biblical David holding Goliath's severed head. "After the murders", Lois said, "Larry sat in the blood and muck for several hours waiting for the bodies to come back to life." Then he got up and fled to Wichita, Kansas, where he was soon arrested.

Originally, Lois Robison didn't think Larry could have done the killings. "They were so violent, so bloody, I thought it must have been the Mafia", she says. But she soon came to know the horrible course that Robison's mental illness had taken. She thought Larry would be institutionalized and finally get the treatment he had been seeking for so long. Instead, he met with the fury of the Texas justice system: a fast trial where evidence of his mental disease was excluded and swift imposition of the death penalty. Robison has been on death row for sixteen years. In that time, he has been seen only twice by a psychiatrist. Both times the visits were sponsored by Larry's family. He has never received any therapy or medication while in prison.

"This state has one job: to execute the condemned as quickly as possible", Rick Halperin, a member of the Texas Coalition to Abolish the Death Penalty remarks. "Any mitigating circumstances, innocence, juvenile status, mental retardation means nothing." In a rare move, the Texas Criminal Court of Appeals, feeling heat from Lois Robison's vigorous campaign, stayed Robison's execution on August 17, 1999, ordering a competency hearing. But the only issue considered by the nine-member panel was whether Robison knew that he was going to be executed and why. In December, the panel ruled that Robison was competent and that the execution should go forward. There is little hope of stopping it now. While continuing to challenge his execution, Robison has also said that he is ready to die on January 21, so he can "pass over with the full moon," which he says a friend told him will ease his passage to the next world.

During Bush's gubernatorial term 112 people have been put to death, a record for executions for any governor in the US since the Supreme Court reinstated the death penalty in 1976. And Bush has only served only five years. During this time has only granted clemency once, to confessed serial killer Henry Lee Lucas. The state has become so slick at the killing game that other states are traveling to Texas to learn the finer points of state-sanctioned homicide, from how to deal with last-minute

(**Texas Death** *continued on page 7*)

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(**OLS** *continued from page 3*).
the ludicrous, the humiliating and uproarious discomfiture of the Y2K Doomsday Show. We're dealing here with one of the biggest busts since the Edsel. We feel smug at having advised CounterPunchers early last year that in the editors' view the Y2K hype was a fraud, designed mostly to allow Silicon Valley to get legal immunity from suits attendant on its screw-ups, also to sell a lot more software.

Are there lessons to be drawn from the fiasco? We suppose the core phenomenon to be looked at is the propensity of the richest, most secure nation in the history of the planet to believe that collapse, utter and awful, is just around the next corner. This mental outlook is understandable in, say, Poland, which has been invaded and ravaged not a few times in this century. And there are some ethnic fractions here –Hmong, for example – who could be pardoned for having an apprehensive take on the future. But the Hmong weren't buying all those generators, or laying in enough canned food and bottled water to last through the rest of this new century.

Driving by Costco right before New Year's one of the editors saw a couple staggering towards their truck with a pallet load of toilet paper. Few things agitate the American soul more sharply than the possibility of a shortage in this vital commodity. It's up there with oil and electrical generating capacity. At least one of our neighbors – a lawyer invested heavily in gold stocks under the supposition that a) the Arabs wouldn't have fixed their computers, and so b) there'd be an oil shortage, with c) a rapid decline in living standards, morals, the rule of law and thus d) the collapse of capitalism, requiring e) gold as the only fungible medium of exchange. The FBI took a brusquer anti-Arab line, outrageously targeting Arab-Americans as likely to indulge in an orgy of terror as the turn of the Christian millennium.

We suppose that this profound apprehension is the price tag —a modest one to be sure—that comes with being top dog on the block. Back at the turn of the 19th century the British had similar worries, and spun endless fantasies about the precise way in which everything would collapse. In 1903, a huge bestseller in the UK was a book called When It Was Dark, by Guy Thorne. His particular version of Y2K horror was a fantasy about what would happen if it were shown that Christ never rose from the dead. By means too complex to describe here, the villain engineers a fake archaeological discovery throwing doubt on the Resurrection. Here's what happens then:

"We find a wave of wave of lawlessness and fierce riot passing over the country such as it has never known before...the Irish and the Italians robbing and murdering Protestants and Jews... fathers and mothers treated with contempt by youth... maidens are spat upon and cursed by a degraded populace and assailed with eager sarcasm by the polite and cultured..." Thorne visits one emblem of collapse after another, and reaches his climax: "The terrible seriousness of the situation need hardly be further insisted on here, Its reality cannot be more vividly indicated than by the statement of a single fact – CONSOLS ARE DOWN TO 65!"

The March of Science

"During the 'Pedophile Slide Assessment' and 'Pedophile Audiotape Assessment' phases of the study, the men were shown slides or listened to audiotapes of children having sex with adults and the erections of the sex offenders were measured using an electric device that fits around the penis to measure sexual arousal. The men either received Olfactory Aversion therapy or Verbal Satiation therapy. The original study (1986-88) had the men masturbate over and over and over until they couldn't get an erection any more, but they stopped this part due to fear of contracting diseases from the ejaculate. In Olfactory Aversion, the client inhaled ammonia fumes while engaging in free deviant fantasy. In Verbal Satiation, the client simply recited deviant sexual fantasies nonstop for 30 minutes, three times per week."

Back in the Eighties the Florida Mental Health Institute, University of South Florida, pulled in $1,019,000 from the National Institute of Mental Health for this study (federal grant #01MH42035-03). The concept of Verbal Satiation seems excessively optimistic. Many a worksite in this great nation echoes to the sound of deviant sexual fantasies eight hours a day, seven days a week, without the slightest trace of satiety. And this isn't even to embark on the topic of political satiation. After all, the major candidates have been saving the same thing, 18 hours a day, 52 weeks a year, with not the least diminution of enthusiasm for their perverted scenarios.

The same pamphlet (surveying experiments on African Americans) cites a $333,000 investigation carried out at the University of Texas at Austin in 1994, designed as "part of an ongoing research project to look into the basic learning process of a sexual behavior system. Quail are used and from the descriptions given in the study are even castrated. This study is purportedly being done to provide information about the relationship between sexual learning, sexual motivation and the performance of sexual behavior. It doesn't state if this is for humans or quail."

There was yet another 1994 study, funded by we the people, via NIMH, at $200,000 for Sue McDonnell of the University of Pennsylvania to gain "understanding of the mechanisms of male erection, emission and ejaculation" by "drugging horses with various drugs while developing 'techniques' for enhancing or causing erection, emission and ejaculation, and to develop methods to cause or control these." McDonnell videotaped, or proposed to videotape, the arousal and masturbation of her equine research associates.

These days you can still buy a nice postage stamp of a quail, part of last year's Post Office's series featuring endangered species. Though the status of the stamps' subjects wasn't announced anywhere on the stamp, the Postal Service obviously having been cowed by the hunters' lobby. Awhile back one of the editors shot a couple of quail who were foraging within 12-gauge range of his house, spit-roasted them and was enjoying the consequence when someone said that quail mate for life. Somehow this depressed the shooter, as though he'd destroyed True Love and not just some flirtation. In Frank Edminster's authoritative "American Game Birds of Field and Forest" we find this about California quail: "The birds are monogamous when paired; but there are limits to the

In Verbal Satiation, the client simply recited deviant sexual fantasies nonstop for 30 minutes, three times per week.

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males' faithfulness, as evidenced by an observation of Sumner (1935) on two pairs of birds in a large pen enclosing natural cover. He describes the event thus: 'The reproductive cycles of the blue [refers to leg bands] pair coincided, whereas those of the red pair evidently did not, as shown by the fact that the red female refused for about a week to allow her mate to copulate (although they later reared a brood of young). Balked in this direction, the red male tried repeatedly during the week to copulate with the blue female whenever both pairs came out of the brush to feed together at twilight. In every instance observed, the blue female refused to accept his attentions, although she received the advances of her own mate, while the blue male was evidently aroused to anger (the word is used after due consideration) by these attempts on his mate."

DROP THAT SAUSAGE!

We were chatting with a CounterPuncher, Richard Klein, who called up from Oakland to resubscribe. Richard is a waiter, currently working at Italian Colors, which he describes as a good family restaurant in Montclair. Somehow we got onto the subject of cassoulet and choucroute, and Richard recalled from his Cambridge (Mass) days that he once bicycled all the way to Boston's North End to procure just the right type of pork sausage for the latter dish. As he headed home past the Ritz Carlton, three police cars surrounded his bike and cops bellowed for him to get his hands up. "The sausage fell out of my pocket and the cops whipped up their guns." Richard thought he was for it. Then another cop car drew up and a woman stuck her head out the window, stared and said, "It's not him." It turned out she'd just been mugged outside the Ritz Carlton by a bearded man who escaped on a red bike. Richard was bearded and was riding, yes, you've guessed it, a red bike. It's one of the perils of living in a university town where beards and bikes pullulate. We're happy Richard survived to make his way west, to Oakland and what he declares to be great enjoyment of CounterPunch. Follow his example, CounterPunchers, not in endangering his life with a sausage but in renewing his sub over the phone. January is one of our heaviest resubscription months.

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"A person may be condemned to die in Texas in a process that has the integrity of a professional wrestling match", says Stephen Bright.

(**Texas Death** *continued from page 5)*

appeals to finer points of administering lethal injections and the handling of the media. Florida state representative Chris Smith puts it succinctly: "Texas is our role model for killing people." The death penalty works swiftly in Texas for three reasons: defendents are denied trained lawyers; appeals are sped up; clemency is almost never granted. "A person may be condemned to die in Texas in a process that has the integrity of a professional wrestling match," Stephen Bright, one of the nation's top death penalty lawyers and the director of the Southern Center for Human Rights in Atlanta, tells us. In 1995, Bush pushed through a law accelerating death penalty appeals in state courts, a move defense lawyers have dubbed the "speed up the juice" law. This was followed by joint efforts of the US congress and Bill Clinton to enact the Counter-Terrorism and Effective Death Penalty Act, which strictly limited habeas corpus appeals to the federal courts. The result is that Texas is executing more and more people with less judicial review. In January alone, nine men were scheduled to die, which would have been another record had not two of the executions been put on hold by federal courts. "The appeals process that used to take 10, 12 or 14 years, sometimes 2 decades or more, now is taking 7, 8 or 9 years," says Rick Halperin. "The numbers this month will not be an aberration. We're going to have a lot more months like this."

As it stands, in addition to Robison, the January killing slate includes Spencer Goodman, another schizophrenic, Earl Heiselbetz, a victim of child molestation who suffers from an "organic affective disorder", and Glen McGinnis who is scheduled to be killed for a crime he committed at the age of 17. Moreover, Bush has blocked efforts to reform Texas' antiquated clemency system. In Texas, these clemency decisions are largely left to the 18-member board of Pardons and Paroles. Bush has appointed every member of that board.

Bush has said that he only looks at two factors when he judges whether to grant clemency: "is the person guilty and has the person had full access to the courts." His staff says the governor spends only between 15 to 30 minutes each case. Bush told the New York Times that "I am confident that we have not executed an innocent person." Few outside legal observers agree. Charles Baird, a former Texas appeals court judge has said "I think defendants are getting short shrift from the judicial system on the most important matters — the death penalty. I guess the thing that bothered me the most was the way the court went about appointing counsel. It's simply supply and demand. We have 450 people on death row that need competent counsel, and you probably have 50 qualified people in the state. There is so much demand, they are forced to appoint people who are not competent." In 1999 Bush vetoed a proposed law to establish a public defender system. This came after Clinton and the Congress elminated funds for to legal resource centers. The centers had become so adept at defend-

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ing death row inmates that judges on the Texas Appeals Court lamented that federal funding of the centers had frustrated prosecutions and violated Texas "sovereignty". The governor said that having a staff of lawyers represent indigent defendants would not "better the quality of representation". This notion is absurd. Death penalty cases, especially in a state like Texas, demand lawyers with extensive experience in capital trials. Instead, Texas uses a system where criminal court judges appoint "cronies" to represent capital defendants. In several cases, defendants have been represented on appeal by the very prosecutors who tried and convicted them in the first place. More often, the lawyers appointed by the judges are simply incompetent to handle death penalty cases. Texas judges, who are elected and campaign for office, have an incentive to appoint lawyers in capital cases who will do minimal work on behalf of their clients. In California the budget for mounting a state-funded defense on a death penalty case can amount to $200,000 or more. In Texas the ceiling is mostly $5,000 or less, which wouldn't fund even one expert witness. It is a situation where court-appointed defense counsel, prosecutors and judges all seem to be working toward the same end: imposition of the death penalty. The more death sentences handed out in a judge's court, the more likely the judge is to be reelected.

"In Texas, an accused may stand virtually defenseless", Bright concludes. "Facing the death penalty, as his lawyer sleeps through trial; be condemned to die without any adversarial process to determine guilt and punishment; and be denied any post-conviction review, because a lawyer misses a deadline or fails to raise any issues." Bright points to the trial of George McFarland, on trial in a capital case for a 1991 robbery-killing. McFarland's attorney was a 72-year old Houston lawyer named George Benn. People in the courtroom, including reporters for the Houston Chronicle and the judge in the case, watched as Benn snoozed through much of the prosecution's case against his client, rarely rousing himself to question witnesses. The judge permitted the trial to proceed, later saying that "the Constitution doesn't say the lawyer has to be awake". When Benn was confronted about sleeping through a capital murder trial, he explained that he did so because the trial "was boring". After his conviction and death sentence, McFarland got a new attorney, who filed an appeal with the Texas Court of Criminal Appeals, citing incompetence of counsel. The conviction was upheld, with only two judges dissenting, including Justice Baird, who wrote: "A sleeping counsel is unprepared to present evidence, to cross-examine witnesses, and to present any coordinated effort to evaluate evidence and present a defense."

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Bush's claim that no innocent person has been executed under his watch is hardly credible, given the fact that many capital murder cases are handled by such incompetent attorneys. In the past few years, four people on Texas' death row have been released, their convictions overturned. Each case was handled by outside attorneys who were not appointed by the court. As Bright notes: "If any of those men had been represented by some of the lawyers assigned by the Texas Court of Criminal Appeals, they would have been executed." The situation in Texas is likely to get worse. The Texas Court of Criminal Appeals has been purged of its two dissenting voices. For the first time, all of the judges are Republicans, fanatic in their support for the death penalty.

"We are going strictly on mercy," Lois Robison says. "That's the only thing left. It is coming to an end one way or the other. He's either going to have his sentence commuted or be executed. I thought at first if people knew the truth, they wouldn't execute him. But this mechanism in Texas is where the truth doesn't much matter. If I can't save Larry, I'm hoping to make a difference with other families." CP

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